

and Standing Order 26 cannot, therefore, apply to a case specifically provided for by Rule 40 (2). I, therefore, hold that the motion by the Member for Pallivirutti cannot be allowed.

2. *Supply of list of questions, etc.,*

Deputy President.—The next item in the agenda is resolution No. 2 standing in the name of Mr. K. T. Mathew.

The Member being absent the following was considered withdrawn:—

"This Council requests the Government to supply all the non-official Members of the Council at every meeting of the Council with a printed list of questions, resolutions, Bills and amendments to Standing Orders disallowed prior to that meeting, stating for what reason and under what section of the Council Regulation and Rules they have been disallowed."

3. *Reformatory in the State.*

Deputy President.—Then resolution No. 3.

Mr. Thomas Manjuran.—Sir, I rise to move that "*this Council recommends that the Government may be pleased to take early steps for opening a reformatory in the State for the benefit of the juvenile offenders*". This resolution is mainly intended to bring our State into line with British India and Travancore and practically with all modern States. The theory of crime and punishment has of late undergone something like a radical change.

Deputy President.—Are there any juvenile offenders?

Mr. Thomas Manjuran.—Many juveniles are sentenced with whipping. For some time past the theory of punishment has been assuming a rather new form. A few years ago or at any rate a few decades ago if a man transgressed the law all sorts of punishment were inflicted upon him. In fact he used to be hanged and quartered. But of late years people have come to realise that that is a very wrong policy. Men transgressing the law might have done so on the spur of the moment or without due calculation or realisation of the moral responsibility. The criminologists lay down now-a-days that each crime must be considered on its own merits and punishment meted not with the spirit of vindictiveness but wherever possible so as to reclaim and make the offender a useful citizen. Now that is as regards the general theory of punishment. Sir, almost all modern States think that it would be a pity to sentence a boy or a youngster with whipping or to confinement in jail so as to give him a chance of picking up jailvices by associating with prisoners who know perhaps all that is to be known about evil things in general.

So, to avoid that, modern countries start reformatory schools and institutions. The idea is that when a youth is convicted in a criminal case the Magistrate or the convicting judge should send him to such an institution or school where he will be kept under control for a period of not less than three years and not more than five years and taught some sort of industry. After the period of reformation he comes out into the world as a citizen who knows some work and the long period of education is expected to so reform him that he forgets his old ways and habits and may prove to be a good and useful citizen. In British India as well as in Travancore we have got laws regulating this. In British India we have got a piece of law existing from 1850. But that enactment was consolidated by a later one, *viz.*, Act VIII of 1897, by which these provisions are made. If a boy is convicted of an offence and sentenced to transportation or for a term of imprisonment, he can be sent at the discretion of the Magistrate to a reformatory. The judicial officer can order that in lieu of sentence the juvenile may be kept there under control for a period of not less than three years and not more than five years. But the condition precedent is that the legislation applies only to children below 15 years of age. During the time he is at the reformatory he is taught some handicraft and when he leaves the institution he becomes a skilled workman and often proves to be a good and useful citizen. We do want to help the juveniles and the principle will be accepted by all. I have also asked some high judicial officers and they are all unanimous that it is high time that we should start one. Then the question is whether that is practicable just now. I do not think that the question of expense is a very great one. As a matter of fact this would not involve considerable outlay. Some Government officials are under the impression that I am moving for an elaborate scheme which will involve an enormous expenditure. It does not require a few lakhs of rupees or anything of that sort. In British India there are two kinds of reformatories. One is private-owned. There are schools recognised as fit for sending juvenile offenders to and under the supervision of a body of advisors. These schools are run by private individuals. That method might be tried. If, on the other hand, the Government wishes to start a Government Institution, it will be well and good. But it will involve the Government an expenditure of a few rupees. The Government can easily manage to run this institution side by side with the industrial school where a boarding house can be constructed for juvenile offenders and they may also be kept there under control. There they can be taught handicrafts, etc. Very recently I had occasion to come across a very pitiful

juvenile offender. He was charged for two cases in the Magistrate's Court for stealing a few rings, etc., from the house of a Head Constable. The Head Constable found the boy lying in the verandah of his house. After some time he went out for his duty and when he returned he found that his rings were missing. He at once made enquiries about the boy who had been sleeping in his verandah. But the boy had disappeared. The next morning he somehow or other caught hold of him and the boy was in possession of the rings. He charged the boy and the Magistrate sentenced him to receive 10 or 12 lashes by way of punishment. But the Magistrate could not inflict serious whipping on him as he was too young to sustain it and so he let him go with nominal lashes. I have come across several other cases also. The fact is that once this juvenile offender is left free he continues to commit offences and by and by he begins to steal in right earnest, since there is nobody to check him. What we want is that these little boys should be kept in some sort of bondage for a short period in such an institution so that when they return they will be good and useful citizens. The State should try to redeem these children who may become useful as they grow. In British India there are several reformatories. Travancore has got one and all western countries have reformatories. So I hope our Government will not put any obstacles in the way. Perhaps the Government will have to spend some two hundred or three hundred rupees.

Diwan Bahadur Dr. V. Verghese.—Is there any juvenile offender in the Central Jail now?

Mr. Thomas Manjuran.—The Magistrates sent them away with whipping. Unfortunately it is no solution. If you care to go through the statistics of the Magistrate's Court you will find that there are very many offenders sentenced with whipping. They simply receive the lashes and again commit offences. So we should have a reformatory to remove this condition.

Mr. C. Barton Wright.—Sir, I beg to second it.

Mr. U. Kandar Menon.—Sir, I rise to oppose the resolution.

Having regard to the very small number of juvenile offenders in the State I do not think there is any necessity for such a reformatory. I have collected statistics from two of the reformatories, viz., one in the Madras Presidency at Chingelput and the other in Travancore. In the Chingelput Reformatory there are on an average about 250 offenders per year and in Travancore there are about 50. But in Cochin it is less than ten. The Hon'ble Member, the mover of the resolution, is not

right in saying that we will not have to incur a very large expenditure. I have perused the Administration Report of the Chingelput Reformatory School and the net expenditure with regard to it comes to about Rs. 50,000. We have also to incur a very large initial outlay. Now I will try to meet the points raised by my Hon'ble friend. This question was engaging the attention of the Government from the year 1906 and the matter was referred to the Law Committee then existing of which the honourable the mover of the resolution was a member. The members of the Committee were Messrs. T. S. Narayana Ayyar, A. Sankara Menon, K. J. Guna Pai, S. Rengaswamy Ayyar, T. K. Krishna Menon, Thomas Manjuran, T. A. Doraswamy Ayyar, V. D. Ouseph, K. P. Kannan Nayar, V. K. Raman Menon and K. Achyuta Menon, Government Advocate and Law Officer. He was also the *ex officio* President of the Committee. The Committee considered the question in all its aspects and they were unanimously of opinion that it was not necessary seeing that the number of juvenile offenders was very few and that it would be very costly. This will be evident from the following extract from the Committee's report:—

"Considering the nature of our State and the fact that such offences are rather rare, the Committee do not think it advisable that any special Regulation for the establishment of separate reformatory schools, similar to the Reformatory Schools Act (VIII of 1897) of British India, should be introduced. The Committee would suggest that a special class in the Government Industrial School or some similar establishment may be constituted a reformatory under the provisions of section 313 of the Criminal Procedure Code. The Committee also suggest that a provision similar to section 31 of the Reformatory Schools Act is highly necessary and may be brought into force in our State either as an amendment to the Criminal Procedure Code or as a separate enactment. The present age limit of fifteen years is rather too low and the Committee are of opinion that it may be raised to eighteen."

The matter was then referred to the Judges of the Chief Court for remarks. The Judges of the Chief Court at the time were Messrs. T. S. Narayana Ayyar, P. I. Varugis and P. Narayana Menon. They were of the following opinion:—

"The suggestion of the Law Committee is, that a special class in the Government Industrial School or some similar establishment may be constituted a Reformatory under the provisions of section 313 of the Criminal Procedure Code, and that a provision similar to section 31 of the Reformatory Schools Act, which is highly necessary, may be brought into force in the Cochin State either as an amendment to the

Criminal Procedure Code or as a separate enactment. The Judges desire to say that even if a special class in the Government Industrial School be constituted a Reformatory under the Code of Criminal Procedure, all the essential provisions contained in the Reformatory Schools Act, No. VIII of 1897, will have to be enacted as law in the State for the purpose of working the class in question in an effective and useful manner. In other words, it becomes necessary to enact a law more or less on the lines of the British Reformatory Schools Act, No. VIII of 1897. The Judges are, therefore, of opinion that by the short-cut proposed by the Law Committee the necessity of passing a law similar to the British Reformatory Schools Act, No. VIII of 1897, cannot be dispensed with. The Judges are, however, at one with the Law Committee in thinking that the cases of youthful offenders requiring detention in the Reformatory will be rare and they do not think that it is necessary or expedient to have a Reformatory School established in the State like the Reformatory Schools in British India."

So the learned Judges were not quite in favour of the opening of any class in the Industrial Section of the School under the conditions proposed by the Law Committee. Besides a Reformatory could not be attached to an Industrial School for the reason that the ordinary boys of the school would not like to be mixed up with the convict ones since they too might get tainted and any such mixture would affect the popularity of the Industrial Schools. It cannot also be attached to the Central Jail as the modern idea is that a Reformatory should be totally dissociated in physical surroundings and management from a prison. Then again the matter was recently considered by the Jail Committee appointed by this Council. They have made the following remarks:—

Mr. A. B. Salem.—Is the Jail Committee appointed by the Council? Are you sure of the fact that the Jail Committee was appointed by this Council?

Mr. U. Kandar Menon.—At the instance of this Council.

Mr. A. B. Salem.—I think that these are statements which ought not to have come from that side of the House.

Mr. U. Kandar Menon.—"We examined the statistics of juveniles for several years and we find that the number to be dealt with in this State is so few that a special Reformatory for them is quite unwarranted. They are segregated as far as the condition in our Jail would permit and they are also being given some elementary education. But the primary object to be aimed at in the case of juveniles is to prevent their committal to Jail as far as possible as the very atmosphere of the Jail is bound to

have a baneful effect on their undeveloped minds. We would, therefore, strongly urge on the Government the necessity of instructing the Magistrates to resort to caning on the palm of the hand which is bound to have a more salutary effect on them than long terms of imprisonment. The infliction of a sentence of whipping should be carried out at the Court and in no case should a boy be sent to Jail to be whipped. In this connection we would also suggest another solution of this problem. The best thing to do in the case of a child offender is to entrust him to his relatives if there is any reasonable prospect of their exercising better care of him in the future. In order that this plan may be adopted it is desirable that the scope of section 455 of the Criminal Procedure Code should be extended so that in the case of children and young persons at least a wider discretion may be conferred on the Court to release children under that section. In this State release of offenders on probation is regulated by section 455 of the Criminal Procedure Code. But it is evident that the restriction imposed by the terms of this section greatly limit resort to this method of disposing of offences. We suggest that the section may be revised and be made more elastic in order that more scope may be given to the probation system."

So it is not advisable to open a Reformatory class in the Industrial School as suggested by the mover. The State is also so small that I do not think it necessary or expedient to spend money for this purpose. So I oppose the motion.

Dr. A. R. Menon.—Sir, I wish to contribute a few words. I was one of the members of the Jail Committee. Personally I agree with my Hon'ble friend, the mover of the resolution. But the report itself says that it is very difficult to carry out a Reformatory here for the reason that the number of juvenile offenders is very small and the expenditure will be very high. But in Travancore there are about 50 such offenders and even for that the expenditure is very high. The only idea that suggested itself to us was to send the juvenile offenders to the places where there are reformatory schools. At the same time the system is very pernicious that, a boy, who has already been in jail three times, again resorts to jail life. Such juvenile offenders resort to jail very frequently, and in one case a boy under twenty years of age was serving a third time in the jail.

Once these boys are sent to jail they acquire a taste for jail life and the result has been that such juvenile offenders resort to jail very often, and in one case, as I said, a boy under 20 was sent three times as a culprit. Certainly it is very pernicious

but it is very difficult to find any other means to get over this difficulty and at the same time to make the solution practical from a clear point of view. That is the only trouble. If any method can be suggested by the mover, then certainly the Government should take steps. As things stand, it would be very difficult to support this resolution, as it would be very difficult for the Government to carry out this resolution considering the expenses involved and the small number of juvenile offenders that will be benefitted by this resolution.

Mr. Thomas Manjuran.—May I say a word on that?

Mr. P. Krishna Menon.—May we know whether the Government have considered any of the recommendations which were now read out and resolved upon adopting any one of them?

Mr. U. Kandar Menon.—We are considering the recommendations made by the Jail Committee and Government are taking steps to enforce them as far as possible.

Mr. A. B. Salem.—I am also against the idea of a Reformatory school being established in the Cochin State. It is unfortunate that such a demand is made seeing that Cochin is such a law abiding State. Even our jail population is very small—about a hundred and eighty to a population of ten lakhs, roughly a million. Cochin is one of the most law abiding areas perhaps, compared to any other areas in India or elsewhere, and in such a place, to suggest that we want a Reformatory for the children of such law abiding parents will be quite out of place, and I think the provisions that are read by the Hon'ble Secretary Member on the other side are quite sufficient provisions, to deal with the isolated few cases that may come up in the Courts, and I think I must oppose this idea of establishing a Reformatory school for the Cochin State.

Mr. Thomas Manjuran.—A word about the last observation, about Cochin being the paragon of virtue. I don't believe a word of the tale that "Cochin is the paragon of virtue".

Mr. A. B. Salem.—You deal only with the criminal population.

Mr. Thomas Manjuran.—Well, if Cochin is the paragon of virtue, we may as well abolish all our criminal courts and have a council of elders.

Mr. A. B. Salem.—I think it is time.

Mr. Thomas Manjuran.—I happen to have some experience of the criminal population of the State. Some experience is better than none. I have some experience of the criminal population of the State. Their number should be decreased but not increased. The only objection which has been raised, and I certainly accept the force of that, is the impracticability of the idea of starting a Reformatory school since it is too costly.

It is for that reason that I stated at the beginning that this need not be a Government-run institution. I do know that there are charitable and philanthropic institutions in the State, which are more than prepared to accept the responsibility, people who are there not to make money alone but to look after the interests of the people of the country, who have come out of their homes and who are spending their health and their wealth for the welfare of the people of this country. I am sure I can induce at least one high-placed gentleman to undertake the work and do that within 24 hours—the Archbishop of Varapuzha. Do you want any other name? I shall give you another name.

Mr. C. Barton Wright.—Would the Salvation Army take steps?

Mr. Thomas Manjuran.—There is the Salvation Army working in Ernakulam.

Mr. K. P. Kannan Nayar.—But your resolution does not refer to private institutions.

Mr. Thomas Manjuran.—My resolution should be carefully read. *"This Council recommends that the Government may be pleased to take early steps for opening a reformatory in the State for the benefit of the juvenile offenders."* As I told you in the British law—will you please allow me to be heard, Mr. Salem? You have no patience to hear what I say. Under the British Law of 1897 a Reformatory is not exclusively a Government institution. A Reformatory may be a private institution. I say, induce a private gentleman with the facilities to open a school. If my Hon'ble friend will give me the book, (the British statute) I shall read the relevant passages.

Mr. U. Kandar Menon.—You may have the book.

Mr. Thomas Manjuran.—I am being misunderstood. Opening a Reformatory need not mean a Government Reformatory. A Reformatory may be a private institution. Please read that resolution carefully before you oppose. Because Government sanction is required Government must pass the requisite law and authorise Magistrates or other persons.

Mr. U. Kandar Menon.—We cannot compel any private person to open a Reformatory school. Without legislation it is meaningless. A Reformatory school run by a private gentleman will not be a Reformatory school.

Mr. Thomas Manjuran.—If you will give that book, I shall make it clear.

Mr. U. Kandar Menon.—It is clear enough.

Mr. Thomas Manjuran.—A Reformatory school is one thing. A man may start one and call it a Reformatory. You must have legislation and he should be authorised to receive pupils.

Mr. U. Kandar Menon.—Then please introduce a Bill for that purpose.

Mr. Thomas Manjuran.—If the Government is so very busy or helpless I shall bring a Bill. I think the Government will consider the idea. This is only for the benefit of the subjects of His Highness.

Mr. A. B. Salem.—You have not asked Government to send these boys to these institutions.

Mr. Thomas Manjuran.—Without constituting a Regulation how can you send these boys to that institution?

Mr. A. B. Salem.—I won't allow a Jewish boy to be sent to the Bishop of Varapuzha.

Mr. U. Kandar Menon.—Yes, there are provisions. Nobody disputes.

Mr. Thomas Manjuran.—(*Reading from a book supplied by the Secretary to the Diwan*).

"With the previous sanction of the Governor-General-in-Council, etc."

When I say that a Reformatory school may be started, it does not at all mean that a Government school should be started. That is a mistake. I say that a Reformatory without recognition and legislation is meaningless. Because the Government must pass a law to the effect that Magistrates are authorised to send students to that school.

Then only could they detain them. They have got to have certain powers. So that I would recommend the Government to consider the advisability of looking about and finding if there are people who are willing to run such schools. You are heckling me for nothing at all, Mr. Salem. The Government must look about and see if there are charitably disposed gentlemen who are prepared to run such schools. If there is such a one where will these arguments be? I say try and find one. Is it an argument that because there are 10 juvenile offenders only or 20 they must all go to perdition? Is it a case of living from hand to mouth? It would be much better to spend money in starting a Reformatory school than to give money at low interest or for no interest. I am sorry that Government is taking this attitude in the matter. I thought everybody would agree. I know of a man who stole my watch and spectacles and when that man was eventually caught he confessed to me that he had 11 convictions and he was 27 years old. The Hon'ble Abkari Member was the gentleman who convicted him. If he had been sent to a Reformatory school, he would not have stolen my watch and obliged the Government to waste money in maintaining him in jail.

Mr. P. Nilakanta Menon.—He is a Travancorean.

Mr. Thomas Manjuran.—He is a Travancorean but his activities appear to have been in Cochin. If he was stealing in Travancore he would have been sent to the Reformatory school. If our Government is too poor to start a Government institution, they ought to try and find out if they cannot induce a private man to start. To say that there is no money is no argument, when the Government has been, of late, systematically hoarding public funds.

Mr. C. Barton Wright.—I don't see any reason why it should not be done. Why should these people be flogged in a vindictive mood?

Mr. U. Kandar Menon.—I am only to answer the resolution already tabled. This is the resolution. *"This Council recommends that the Government may be pleased to take early steps for opening a reformatory in the State for the benefit of the juvenile offenders."*

There is no power in the Government or the Council to compel any one to start a Reformatory school. There is no suggestion in the resolution that the juvenile offenders should be sent there. There is no suggestion in the resolution to ask anybody. The Government cannot go a—begging. The only resolution is to ask the Government...

Mr. Thomas Manjuran.—I thought that the Government would read the existing law and learn the thing.

Mr. U. Kandar Menon.—There is no law here. For that purpose we have to introduce a Bill. The Member does not request the Government to do so. The resolution is not for the purpose of introducing a Bill but it is for opening a school.

Mr. Thomas Manjuran.—You cannot have a school without a Regulation. Anybody may know it.

Mr. U. Kandar Menon.—Anybody may not know it. The Member may know it.

Question put:—*"That early steps be taken for opening a reformatory in the State for the benefit of the juvenile offenders."*

Question put and negative.

Mr. Thomas Manjuran.—I want a poll.

The House divided. Ayes 13 Noes 16.

1. Mr. I. E. Ambooken.	Ayes.	8. Mr. C. J. Mathew.
2. „ K. J. Antony.		9. „ K. Mohamed Seethi.
3. „ C. Barton Wright.		10. „ V. D. Ouseph.
4. „ P. C. Chanchan.		11. Mrs. G. Pavitran.
5. „ A. S. Harihara Ayyar.		12. Mr. M. K. Raman.
6. „ P. Krishna Menon.		13. „ Thomas Manjuran.
7. „ A. K. Kunhi Moideen.		

LOANS TO THE TANNERIES LIMITED

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		Noes.		
1.	Mr. C. V. Antony.	10.	Mr. P. Nilakanta Menon.	
2.	„ V. K. Aravindaksha Menon.	11.	„ T. A. Ramachandrar Ayyar.	
3.	„ K. Govinda Menon.	12.	„ I. Raman Menon.	
4.	„ U. Kandar Menon.	13.	„ A. B. Salem.	
5.	„ T. K. Krishna Menon.	14.	„ A. Sankara Menon.	
6.	„ T. M. Krishna Menon.	15.	Dr. E. A. Veigas.	
7.	„ K. Krishna Pisharodi	16.	Diwan Bahadur Dr. V. Verghese.	
8.	„ C. A. Kunjunni Raja.			
9.	„ Rao Sahib Mr. C. Matithai.			

4. Schools to be open to all.

Deputy President.—Resolution No 4, Mr. K. T. Mathew. (The Member being absent, the following resolution and amendment to it were considered withdrawn.—

“This Council requests the Government to throw open all schools under its control to all classes of people, irrespective of caste or creed.”

Mr. C. A. Kunjunni Raja.—Omit ‘all schools’ and substitute everything’.)

5. Co-operative Movement.

Deputy President.—Resolution No. 5; the Member, Mr. K. T. Mathew is absent.

Hence the following resolution was considered withdrawn.—

“This Council recommends that Mr. G. K. Devadar or any other member of the servants of India Society who has made a special study of the Co-operative Movement be requested to enquire into and report upon the Co-operative Movement with a view to make it more useful and popular”.

6. Loans to the Tanneries, Ltd.

Deputy President.—Resolution No. 6, Mr. C. J. Mathew.

Mr. C. J. Mathew.—Sir, I beg leave of the House to move the resolution standing in my name. “This Council recommends to the Government to take early steps to recover the loans advanced by them to the Cochin Tanneries, Ltd., at Chalakudi or in the alternative to take up the concern by the Government and work it by them”.

The Cochin Tanneries, Ltd., was registered in the year 1095 with a capital of 4 lakhs divided into 40,000 shares of Rs. 10 each. The Government is represented in the Board by three official members and the Government have purchased shares in it to the extent of a lakh and twenty thousand rupees. Encouraged by this close association of the Government, the public made a great rush for the purchase of the shares. It was over-subscribed and there was even a disappointment in